Nova Scotia

ANNUAL REPORT

for the year ending
December 31, 1991

Environmental Control Council

92-04735/

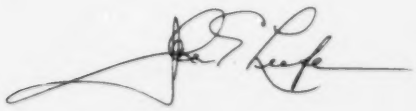
Text pages printed on paper
that contains recycled fibre

The Honourable Lloyd R. Crouse, P.C.
Lieutenant-Governor of Nova Scotia

Dear Sir:

I have the honour to submit the Annual Report of the Nova Scotia Environmental Control Council for the year ending December 31, 1991.

Respectfully submitted,



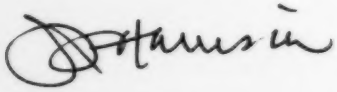
John G. Leefe
Minister

Honourable John G. Leefe
Minister of the Environment
Province of Nova Scotia

Dear Minister:

I have the honour to submit the Annual Report of the Nova Scotia Environmental Control Council for the year ending December 31, 1991.

Respectfully yours,



James L. Harrison
Chairman

INTRODUCTION

The Nova Scotia Environmental Control Council is a citizens' advisory board appointed to advise the Minister of the Environment. The Council, established under the Environmental Protection Act, Statutes of Nova Scotia 1973, Chapter 6, SNS 1973, C.6, represents the interests of the environment and general public in resource decisions.

This annual report is submitted under Section 16 of the Environmental Protection Act and describes Council activities during the 1991 calendar year.

STRUCTURE

The Nova Scotia Environmental Protection Act, Chapter 6 of the Statutes of Nova Scotia, sets out the composition, function and responsibilities of the Environmental Control Council. The Nova Scotia Environmental Assessment Act, Statutes of Nova Scotia 1989, provides an opportunity for greater public participation in the environmental assessment process. Participation in public hearings, as part of the review process, has necessitated greater involvement and responsibility on behalf of Council members.

The Environmental Protection Act provides for 12 to 15 members to be appointed by the Governor in Council to represent 11 specific disciplines or sectors of society: Academic, Agriculture, Conservation, Engineering, Fishery, Forestry, Health, Industry, Labour, Legal and Municipal. In addition, the members of Council are expected to reflect, in so far as possible, the concerns of their geographic communities during Council deliberations.

The Deputy Minister of the Nova Scotia Department of the Environment is an ex officio member of the Council. The Secretary/Chief Executive Officer is appointed by the Minister.

ENVIRONMENTAL CONTROL COUNCIL MEMBERSHIP IN 1991

Discipline	Name	Expiry Date of Appointment
Academic	Marguerite Lloyd South Berwick	April 3, 1992
Agriculture	Bruce Rand Dalhaven	February 9, 1993
Conservation	James Harrison Dartmouth	April 3, 1992
Engineering	Michael McGill Truro	May 2, 1992
Fisheries	Crosby McLeod Port Mouton	June 30, 1992
Forestry	Norman MacIsaac Goshen	March 1, 1993
Health	Edison Skinner Pictou	May 2, 1992
Industry	Harold Dobson Liverpool	November 30, 1993
Labour	David Glover Yarmouth	March 31, 1993
Legal	John MacPherson Halifax	February 28, 1992
Municipalities	Gerald Doucet Digby	April 16, 1993
Members-at-Large	Gordon Beanlands Halifax	February 28, 1992
	Harold Pearl Kentville	April 14, 1993
	Donald Bragg Halifax	February 9, 1993
	Sandra Stafford Brooklyn	February 9, 1993

Executive Members

Marguerite Lloyd
South Berwick

Edison Skinner
Pictou

James Harrison, Chairman
Dartmouth

The Council's office is located on the fifth floor of the Terminal Road Building in Halifax. Mrs. Shirley Nicholson, Secretary and Chief Executive Officer, is responsible for the daily operation of Council as well as the co-ordination of public hearings. Secretarial support staff is provided on a casual basis by an employment agency. Provision has been made in the proposed 1992–1993 budget for permanent secretarial support staff.

During 1991, Council membership returned to its full complement, with the appointment of representation from the labour and municipal disciplines, as well as a further member-at-large:

(1) Mr. Gerald Doucet of Digby County was appointed as a representative from the municipal sector.

(2) Mr. David Glover of Yarmouth County was appointed as a representative from the labour sector.

(3) Mr. Harold Pearl of Kentville was appointed as a member-at-large following the expiration of Mr. Melbourne Blinn's second term of appointment.

The following members were re-appointed for another two-year term of membership: Bruce Rand, Agriculture; Norman MacIsaac, Forestry; Harold Dobson, Industry; Sandra Stafford and Donald Bragg, Members-at-Large.

Early in 1992, second terms expire for the disciplines of academic, conservation, engineering and health. With the added workload of Council members, in particular their participation in the public consultation process, it is essential that new representatives be appointed to represent these disciplines.

We wish to bring to your attention that Council does not have representation from Cape Breton or from minority and aboriginal groups.

FUNCTION OF COUNCIL

As set out in the Environmental Protection Act, the function of the Environmental Control Council is to:

(1) recommend to the Minister policies, planning and programs related to the preservation and protection of the environment;

(2) review and appraise programs and activities of other persons, government departments and agencies in light of their impact or effect upon the environment and make recommendations to the Minister including, but not limited to, environmental guidelines for their use;

(3) consult and cooperate with other government departments and agencies having duties and responsibilities in relation to the environment;

(4) inquire into and report to the Minister upon any matter pertaining to the preservation and protection of the environment;

(5) recommend to the Minister regulations and standards for the preservation and protection of the environment;

(6) appoint standing or special committees and delegate to a standing or special committee such authority as the committee requires to perform its functions and duties;

(7) perform such other acts and duties as may be assigned to Council by the Governor in Council or the Minister.

Further, under the Environmental Assessment Act, the Council shall:

(1) review an environmental assessment in respect of an undertaking referred to the Council by the Minister;

(2) consult with the public by inviting written submissions from the public, by conducting a public hearing, or in such other manner as determined by the Council;

(3) recommend to the Minister the approval or disapproval of an undertaking, or conditions which ought to be imposed upon an undertaking if it proceeds;

(4) perform functions and exercise powers conferred upon the Council in respect of the Environmental Protection Act;

(5) perform such functions and exercise such powers as may be assigned to or conferred upon the Council by the Governor in Council or the Minister.

Environmental Assessment Hearing Regulations

The hearing regulations prescribe the procedures to be followed in the public consultation process. The procedures are designed to encourage greater participation by the public.

All written submissions, hearing transcripts, technical reports and information supplied by the proponent, intervenors and members of the public will be made available as public documents.

The Council may hold pre-session conferences with interested participants to define the issues.

On-site visits to the proposed location of an undertaking may be made by Council hearing panel members during the review process.

Council may retain technical experts during the review period.

Meetings

The Council held five meetings in 1991, while the Executive met on one occasion:

January 29 & 30	Halifax
March 27	Halifax
June 4 & 5	Halifax
September 3 & 4	Liverpool
December 5 & 6	Truro

Information Seminars at Council Meetings

Regular Council meetings incorporate special presentations on specific environmental topics for the education of Council members. Speakers are chosen to present various perspectives on any given subject.

January 29th and 30th Council Meeting:

Mr. Murray Coolican, Chair of the Sustainable Development Committee of the Nova Scotia Round Table on Environment and Economy, informed the Council on the steps being taken to address the challenge of sustainable development.

The Deputy Minister, Mr. Armand Pinard, spoke to members of Council on the future direction and initiatives of the Department of the Environment.

Mr. Marshall Burgess, Solicitor from the Attorney General's Department, discussed with Council members the new Freedom of Information Act.

Mr. Bob Langdon, Manager of Environmental Emergencies and Hazardous Materials, and Mr. Clive Oldreive, Manager of Municipal Waste and Resource Recovery, Nova Scotia Department of the Environment, addressed Council on hazardous waste and solid waste management.

March 26th and 27th Council Meeting:

Mr. Armand Pinard, Deputy Minister, gave Council an in-depth briefing on the situation in Boat Harbour, Pictou County.

A briefing on the mini-workshops being held by the Department of the Environment was given by: Mr. Andrew Cameron, Manager, Surface Water Management Section; Mr. Dan Hiltz, Manager, Industrial Pollution Control Section; Mr. Mike LeBlanc, Administrator, Resource Recovery Fund; Mr. Randy Piercey, Acting Manager, Air Quality Branch; and Mr. Bob Langdon, Manager, Environmental Emergencies and Hazardous Materials Section.

A tour of Conrad Brothers' and Gateway Materials' rock quarries was made by Council members who will be serving on hearing panels reviewing proposed quarry operations.

June 4th and 5th Council Meeting:

Dr. Chang Lin, Nova Scotia Department of the Environment, made a presentation to Council on Nova Scotia's response to the Federal Green Plan. Dr. Lin has been seconded part-time by Policy Board as provincial co-ordinator for the Federal Green Plan.

September 3rd and 4th Council Meeting:

A tour of the Bowater Mersey Paper Company Ltd. plant in Liverpool, Nova Scotia, was conducted by Mr. Harold Dobson.

Mr. Howard Windsor, Director of Regional Offices, updated Council on regional office organization.

December 5th and 6th Council Meeting:

Council members toured the new Water Treatment Plant in Truro, Nova Scotia.

Mrs. Grace Patterson, Chair, Ontario Environmental Assessment Board, and Mr. Jim Clarke, Federal Environmental Assessment Review Office (FEARO), discussed with Council members the relative merits of different types of hearing panels.

Mr. Douglas Carter and Mr. John Jones gave a presentation on the Task Force on Clean Water.

Mrs. Audrey Manzer, a member of the Sustainable Development Committee of the Nova Scotia Round Table on Environment and Economy, updated Council on the implementation of Nova Scotia's strategy on sustainable development.

Throughout the year, the Environmental Assessment Administrator's section of the Nova Scotia Department of the Environment has kept Council informed of all registrations and of the status of proposed undertakings.

Mr. Marshall Burgess, solicitor, has informed Council of any new environmental legislation.

ACTIVITIES OF COUNCIL

Acting on behalf of the Environmental Control Council, the Chairman, Mr. James Harrison, and the Secretary/Chief Executive Officer, Mrs. Shirley Nicholson, attended a number of meetings and seminars and made submissions to government agencies.

Task Force on Clean Water

The Chairman continued to serve as a member of the Nova Scotia Clean Water Task Force. The Report of the Task Force was submitted to the Minister in the summer of 1991.

Environmental Choice Program

The Chairman was appointed to the Board of Directors of the Environmental Choice Program sponsored by Environment Canada.

Canadian Environmental Research Network

At the January 30 meeting of the Environmental Control Council, a joint luncheon was shared with members of the Canadian Environmental Research Network who were meeting in Halifax. An informal discussion ensued on topics of mutual interest. It was noted that Dr. Gordon Beanlands, a member of our Nova Scotia Council, was the incoming Chairman of the Network.

Public Participation Committee, Nova Scotia Round Table

In January 1991, the Secretary/Chief Executive Officer submitted a response to a consultant's report commissioned by the Public Participation Committee of the Nova Scotia Round Table on Environment and Economy.

Gulf of Maine Action Plan

In February 1991, the Secretary/Chief Executive Officer submitted a response to the draft Gulf of Maine Action Plan, a worthy endeavour undertaken by the Gulf of Maine Council on the Marine Environment.

Mini-Workshop in Cambridge

In April 1991, the Secretary/Chief Executive Officer acted as a facilitator for the Public Participation section of a mini-workshop sponsored by the Nova Scotia Department of the Environment.

Regional Committee on Environmental Assessment Workshop on Co-operation in Environmental Assessments

In May 1991, the Secretary/Chief Executive Officer attended a workshop held by the Regional Committee on Environmental Assessment sponsored by the Federal Environmental Assessment Review Office (FEARO).

Nova Scotia Energy Strategy Round Table

In November, 1991, the Secretary/Chief Executive Officer attended a two-day workshop, sponsored by the Nova Scotia Department of Natural Resources, on a new energy strategy for Nova Scotia. This new energy strategy will be completed in early 1992.

Canadian Council of Ministers of the Environment (CCME)

In early November 1991, the Chairman, Secretary/Chief Executive Officer, and several members of the Council attended a reception in conjunction with the Halifax meeting of CCME.

Federal–Provincial Co-ordination Workshop

In December 1991, the Secretary/Chief Executive Officer participated in a Federal–Provincial Co-ordination Workshop on the federal Green Plan initiatives, with particular reference to Nova Scotia's response to the federal plan. Further strategy sessions will be held in 1992.

15th Annual Assembly of Canadian Environmental Advisory Councils

The 1991 Assembly was held in Banff, October 2–5, hosted by the Environmental Council of Alberta. Our Nova Scotia Council was represented by the Chairman.

The theme chosen for the assembly was "A Celebration of Place." Attendees had an opportunity to take part in an ancient Indian "Medicine Wheel Ceremony," which graphically and dramatically conveyed the reverence with which the aboriginal peoples approach their natural environment.

Alberta has a very successful initiative called the "Volunteer Steward Program" that involves members of the public in enhanced site management of natural areas. This program could very well be adapted to our Nova Scotia environment.

The 16th Assembly will be held in Prince Edward Island in 1992.

COMMITTEES OF COUNCIL

A number of committees of Council have been formed to recommend to the Minister policies, planning, and programs related to the preservation and protection of the environment.

Citizen's Guide Committee

This committee has prepared the Public Participation Section of the soon-to-be-published "Citizen's Guide to Environmental Assessment."

Environmental Awards Committee

This committee selects the recipients of the Nova Scotia Environmental Awards and Certificates of Merit. Recipients are chosen from the following categories: Education, Business/Industrial, Youth, Government, Citizens Groups or Organizations, Individual, Professional, Sustainable Development, and Science Fairs. The selection of award recipients is made on the basis of degree and significance of the effect of the project on environmental quality.

Environmental Regulations Committee

This committee studies present and proposed regulations under the Nova Scotia acts that deal with matters respecting the environment and recommends changes, deletions, and additions.

Future Initiatives Committee

This committee was formed to examine the present activities and initiatives of the Nova Scotia Council as well as other environmental councils in Canada. Its mandate includes an examination of the future composition and direction of the present Council structure. Discussions were held with the Minister and Deputy Minister of the Environment, and preliminary ideas will be drawn together by the committee for consideration in early 1992.

Intervenor Funding Committee

This committee was established to study and assess systems used in other jurisdictions, federal and provincial, for the funding of intervenors at public hearings. A report with recommendations was submitted to the Minister of the Environment. Mr. Donald Bragg, Chair, and Mrs. Shirley Nicholson, Secretary/Chief Executive Officer, met with the Public Participation Committee of the Nova Scotia Round Table on Environment and Economy to discuss the Committee's report on Intervenor Funding.

Budget Committee

A standing committee of the Council was struck in 1991 to plan, put together and monitor the operating budget of this Council. The importance of stewarding to the budget is emphasized by the present size of the Council's operating budget.

For example, with the enactment of the Environmental Assessment Act of 1989, the impact of the environmental assessment hearing process is being felt very dramatically, as can be seen from the following figures relating to the operating budget of the Nova Scotia Environmental Control Council:

1987–1988 Actual Expenditures	$ 51,000.00
1988–1989 Actual Expenditures	$ 77,000.00
1989–1990 Actual Expenditures	$ 79,000.00
1990–1991 Forecast Expenditures	$125,721.00
1991–1992 Forecast Expenditures	$187,400.00
1992–1993 Forecast Expenditures	$322,900.00

PUBLIC CONSULTATION

Pursuant to Sections 17 and 18 of the Environmental Protection Act and Sections 14(c) and 15 of the Environmental Assessment Act, the Minister may refer an Environmental Assessment Report to the Council for public consultation. As part of the public consultation process, the hearing panel members review the Environmental Assessment Report and all documentation leading up to the Report, including the Registration document, draft and final guidelines for the Terms of Reference, the Terms of Reference, and comments submitted on the project from both the public and various federal, provincial and municipal agencies. In 1991, the Minister referred the following proposed undertakings to the Council.

Black Gold Enterprises Limited

A proposal for a coal wash and recovery project in the Springhill area of Nova Scotia.

Thirty-four submissions were received by the hearing panel. Council's Report to the Minister recommended that the project not be approved.

Hearing Panel Members: Sandra Stafford, Donald Bragg, and Michael McGill, Chair.

Inland Environmental Services Limited

A proposal for a waste transfer facility in the Debert Industrial Park, Debert, Nova Scotia.

Thirty-five submissions were received by the hearing panel. Council's Report to the Minister recommended that approval of the project be withheld until an independent hydrogeological study was undertaken to determine if the impact on the groundwater would be minimal. If so determined, approval was recommended conditional on the 11 recommendations contained in the report.

Hearing Panel Members: James Harrison, Bruce Rand, and Ed Skinner, Chair.

Stelee Development Limited

A permit application for approval of a road and bridge across Moody Run in Williamswood, Halifax County.

The Committee recommended seven steps to be taken to allay the worries and concerns of the residents of the area.

Review Committee: Harold Dobson and James Harrison.

Nova Scotia Power Corporation

A proposal to build a substation near Woodbine, Cape Breton County, Nova Scotia.

Twelve submissions were received by the hearing panel. The Council's Report to the Minister recommended approval of the project subject to the four recommendations contained in the report.

Hearing Panel Members: Ed Skinner, Bruce Rand, and Gordon Beanlands, Chair.

Nova Scotia Department of Transportation and Communications

A proposal for a five-stage extension of Highway 107 from Dartmouth to Bedford and Sackville.

Twenty submissions were received by the hearing panel. The Council's Report to the Minister recommended that approval of stages 1, 4 and 5 be given and that approval of stages 2 and 3 be deferred until noise, safety and realignment considerations involving C.P. Allen High School are resolved.

Hearing Panel Members: Donald Bragg, Crosby McLeod, and James Harrison, Chair.

Kelrock Limited

A proposal for a limestone quarry in the Glen Morrison area of Cape Breton Island, Nova Scotia.

Fifteen submissions were received by the hearing panel. The Council's Report to the Minister recommended approval of the project subject to the 13 recommendations contained in the report.

Hearing Panel Members: John MacPherson, Michael McGill, and Norman MacIsaac, Chair.

Blue Mountain Resources Limited

Public hearings were held on November 21, 22, 23, 26, 28 and 30. Further submissions from participants can be submitted to the hearing panel up to January 9, 1992. Council's Report to the Minister will be submitted not later than March 13, 1992.

Department of Transportation and Communications

A proposal for a controlled access, four-lane divided Highway 104 between Alma and Salt Springs, Nova Scotia.

Hearings will be held in January 1992.

Hearing Panel Members: David Glover, Sandra Stafford, and Mike McGill, Chair.

LEGISLATION

The Council was pleased to see the continuing effort to provide effective environmental legislation in Nova Scotia. The following Acts and Regulations came into effect during 1991:

Nova Scotia Environmental Trust Regulations
Amendment No. 2 to the Petroleum Storage Regulations
Amendments No. 2 and 3 to the Environmental Assessment Regulations
Amendment No. 1 to the Regional Municipal Solid Waste Management Financial Assistance Regulations
Waste Disposal Site Regulations
Ozone Layer Protection Regulations
Amendments No. 3, 4 and 5 to the Pest Control Products Licence and Permit Regulations
Regulation and Amendment No. 1 to the Pesticide Storage Regulations
Amendment No. 2 to the Resource Recovery Fund Regulations

MINISTERIAL ORDERS

During 1991 a total of 17 Ministerial Orders were issued against violators of environmental laws. The Executive members on Council received and reviewed these orders, and they were acknowledged by the Chairman on behalf of Council. The following is a list of the Ministerial Orders for 1991:

Metropolitan Authority	Sackville	March 18
Amherst Aerospace Limited	Amherst	March 28
Gordon's Greenhouses Limited, et al.	Oxford	April 9
Westphal Mobile Home Court Limited	Beaverbank	April 16
Amherst Aerospace Limited (Amendment No. 1)	Amherst	April 17
Nova Scotia Power Corporation	Point Aconi	May 9
CBW Manufacturing Ltd./CBW Distribution Ltd./Cape Breton Wallcoverings and Ernst & Young Inc.	North Sydney	June 6
Lawrence Hart/Florence Mae Hart	Lake Lewis	June 13
Rothsay (Amendment No. 1)	Truro	June 19
Cape Breton Development Corporation (DEVCO)	Whitney Pier	June 20
Rothsay (Amendment No. 2)	Truro	July 31
Seafreez Foods Incorporated	Canso	August 23
Metropolitan Authority (Amendment No. 1)	Sackville	September 4
The Municipality of the County of Colchester	Tatamagouche	September 27
Anthony/Henrika Rooyakkers	Princeville	September 27
Sydney Steel Corporation	Sydney	October 22
County Trucking Limited, et al.	Upper Sackville	December 18

ENVIRONMENTAL AWARDS—1990

The 12th annual Environmental Awards were presented by the Honourable John G. Leefe, Minister of the Environment, on May 8, 1991, in the Red Chamber of Province House. The Minister expressed appreciation on behalf of the government and the people of Nova Scotia to the award winners and all nominees for their concern for and participation in the preservation of the environment.

Environmental awards were presented in the following categories:

Business/Industrial

Award:	Stora Forest Industries Ltd.
Certificate of Merit:	Esso Petroleum Canada Dartmouth

Citizens Group (more than 50)

Award:	Sackville Rivers Association Blomidon Naturalists Society
Certificate of Merit:	St. Margaret's Area Recycling Team

Citizens Group (less than 50)

Award:	Lunenburg Wise Wasters
Certificate of Merit:	Clifton District Federation of Agriculture

Education

Award:	Prince Andrew High School
Certificate of Merit:	Marion Bridge Main-a-Dieu School Bible Hill Central Elementary

Government

Award:	Councils of the Towns of Berwick, Kentville, Wolfville, and the Municipality of Kings County Victoria General Hospital

Individual

Award:	Shane O'Neil
Certificate of Merit:	Dick Parker

Professional

Award:	Vernon Oickle
Certificate of Merit:	Ian White

Youth

Award:	Millwood Environmental Committee Millwood High School
Certificate of Merit:	Whitney Pier Memorial Junior High Recycling Committee
	Lawrencetown Elementary School

Science Fair

Award:	Natalie O'Toole Pictou District
Certificate of Merit:	Sarah Bruce & Jennifer Naugler Halifax, Dartmouth & County

Sustainable Development

There were no entries received in this category.

Close to 60 nominations were received in the various categories. Nominations under the new Science Fair category were submitted by the Regional Science Fairs.

The Nova Scotia Environmental Control Council occupies a significant position in the environmental life of the province and looks forward to further service on behalf of the people of Nova Scotia.